

## CIVIL DOCKET

DAUGHERTY

UNITED STATES DISTRICT COURT

Jury demand date: 6-7-71 by Deft's

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
WDI ENERGY CO., E. A. SMITH, and V. W. McKNAB,  vs  HYDRO-JET SERVICES, INC., a Texas Corp. A. B. FLY, JOHN E. MORRISON, JR., JACK L. MACKAY, BOB EWEN, LANE CUMMINGS, and J. D. POLLARD,		<b>For plaintiff:</b> <i>Richard Gonters &amp; Ronald MAIN</i> HOUSTON, KLEIN & DAVIDSON 900 Home Federal Building Tulsa, Oklahoma 74103 <i>583-2131</i>			
		<b>For defendant:</b>  Jack Gordon; and Bassman, Gordon, Mayberry & Scarth 266-2681 Claremore, Oklahoma 74117 Box 767  Walter P. Wolfram 806 372-3449 435 Petroleum Building Amarillo, Texas 79101			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>4-1-71</i>	Clerk	3-10-71	Houston	15 00	
		3-11-71	C.D.No. 40		15 00
J.S. 6 mailed <i>6-1-72</i>	Marshal				
Basis of Action: Breach of Agreement	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-10-71	Complaint filed. r	
3-12-71	Summons issued to all defts. except Pollard. m	
3-31-71	Summons, returned & filed: served Hydro-Jet Services, Inc. and A. B. Fly on 3-18-71; Bob Ewen, Jack L. Mackey, & John E. Morrison, Jr. on 3-22-71, and Lane Cummings on 3-23-71, all at Amarillo, Texas. (USM \$25.68)g	
4-7-71	Original Answer of defendants, with motion to dismiss ; in the alternative quash the service of summons in process; and in the alternative transfer suit to the U. S. District Court for the Northern District of Texas, Amarillo Division, filed. b <i>filed</i>	
4-13-71	Ordered by the Court that the plaintiffs respond to motion of defendants, except J. D. Pollard, alternative motions to dismiss; to quash summons and to transfer the case, with supporting brief, within 15 days from date. (Fred Daugherty - Judge) b	
4-21-71	Plaintiff's Memorandum Brief by Plaintiffs in response to Motions to dismiss filed by Defendants, Filed. r (Attached Affidavit of A. E. Smith. <i>mailed</i> )	
4-30-71	Order filed, that the original answer of defendants, taken as motions to dismiss, to quash service of process, and to transfer are denied and defendants are directed to answer to plaintiffs' complaint within 20 days from date. (Fred Daugherty - Judge) copies mailed. b	
5-18-71	Ordered by the Court that the defendants are granted 20 days from date within which to file their answers. (Fred Daugherty - Judge)b Letters mailed. b	
6-7-71	Defts' Answer and Counter-Claim, filed. r	
6-7-71	Defts' Demand for Jury, filed. r	
6-11-71	Summons on answer and counter-claim issued. m	
6-24-71	Ret. on writ, filed: served V. W. McKnab at North Parker, Colo., 6-16-71; WDI Energy Co. & E. A. Smith at Tulsa, Ok., 6-18-71, with Counterclaim. (USM \$13.00)g	
6-30-71	Answer by Pltfs to Deft Hydro-Jet's Counter-Claim, filed. r	
8-23-71	Notice by plaintiffs of voluntary dismissal as to J. D. Pollard, filed. m	
8-24-71	Case set for Pre-Trial Hearing on Wednesday, September 8, 1971 at 11:45 A.M. (FD-J)r	
8-30-71	Application by plaintiffs for temporary restraining order and preliminary injunction, filed. m <i>mailed</i>	
8-30-71	Plaintiffs' brief in support of application for restraining order and preliminary injunction, filed. m <i>mailed</i>	
9-2-71	It is ordered by the court, setting hearing for Application for preliminary Injunction. Application for Temporary restraining order was not granted. (FD-J)r Hearing set for 11:45 A.M. along with Pre-Trial hearing on September 8, 1971. (FD-J)r	
9-7-71	Deft's Answer to pltf's Application for Temp. Restraining Order and Preliminary Injunction, filed. r <i>ok by J.D.</i>	
9-7-71	Defts' Brief in answer to Pltfs' Application for restraining Order and Preliminary Injunction, filed. r <i>ok by J.D.</i>	
9-8-71	Partial Pre-Trial Hearing held, and hearing held on application for Preliminary Injunction. Parties represented. Statements made. Counsel has agreed on preliminary injunction by stipulation; Order will be mailed to Judge, which must be approved by all attorneys. Deft. directed to file memorandum brief; Pltf to respond in 10 days thereafter. Parties also directed to brief proposition, whether legal or illegal. Pltf. directed to prepare and file pre-trial Order. (FD-J)r	
9-13-71	Order, filed, regarding stipulations of parties. (FD-J)m	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
9-24-71	Memorandum Brief of Pltfs. re: "Illegality of Contract" filed. r	
10-4-71	Deft's Reply to pltf's Brief regarding the issue of illegality, Filed. r (mailed copy to judge)	
10-4-71	Deft's Motion of individual defts to Dismiss for Lack of Jurisdiction over their persons, w/ attached affidavits, filed. r <i>Mailed copy</i>	
10-4-71	Deft's Memorandum brief in support of individual deft's Renewed Motion to Dismiss for lack of jurisdiction, filed. r <i>Mailed copy</i>	
10-6-71	Copy of Letter dated 10-5-71 from J. Daugherty to Dick Sonberg stating that it is desired that pltf respond to Motion to Dismiss for lack of jurisdiction and do so with supporting brief and such documents as desired within 15 days from 10-5-71. Filed. r	
10-6-71	Notice to take Depositions of John E. Morrison, Jr., Jack I. Mackey, Bob Ewen, and Lane Cummings. Filed. r	
10-26-71	Request for additional time to file brief, from Pltf.s, filed. v	
10-26-71	Memorandum of authorities in support of plaintiffs' request for additional time to file brief, filed. v	
10-27-71	MINUTE ORDER: Ordered that the request for additional time to file brief is <u>granted</u> , giving the pltf's an additional 20 days to file reply brief. (FD-J)r (attys notified by letter)	
11-18-71	Pltfs' Memorandum Brief in opposition to Defts' renewed Motion to Dismiss for Lack of Jurisdiction, filed. r <i>Mailed</i>	
11-26-71	Order filed, denying Motion of Individual Defts to Dismiss for Lack of Jurisdiction, without prejudice to their offering evidence and raising the jurisdictional issues at trial, filed. (FD-J)r (Copies mailed to all attys)	
12-13-71	Depositions of Lane L. Cummins, Jack Mackey, Sam Bob Ewen, and John Morrison, taken by R. T. Capwell, CR, Amarillo, Texas, on 10-14-71, filed. ds	
12-22-71	Defendant's Interrogatories, filed. ds	
1-20-72	Answers to Interrogatories by E. A. Smith, filed by the Plaintiff. v	
1-20-72	Answers to Interrogatories by WDI Energy Co., filed by Plaintiff. v	
1-31-72	Plaintiffs' filing of inventory in compliance with pretrial order, filed. ds With inventory attached.	
1-31-72	Plaintiffs' answers to interrogatories by V. W. McKnab, filed. ds	
2-18-72	Case set for Pre-Trial (Continuation) on Wednesday, March 15, 1972 at 11:40 A.M. (FD-J)r	
3-15-72	Continuation of Pre-Trial held. Statement made. Counter-claim of the Defendants to be filed in 15 days; Individual Pltfs granted 15 days to file amendment to the Answer, regarding Statue of fraud; Pltf to prepare P-T. Order. Case set on <u>Jury Assignment</u> . (FD-J)r	
3-29-72	Case set for Jury Trial on Wed. 5-24-72 at 9:30 A.M. (FD-J)r	
3-31-72	Defts' Answer and First Amended Counter-Claim, filed. r	
4-10-72	Confession by Pltfs of lack of jurisdiction over individual Defts, filed. r	
4-10-72	Order of Dismissal without prejudice as to Defts Cummins, Mackey, Morrison & Ewen, filed and entered. (FD-J)r (Copies mailed to attys)	
4-10-72	<del>Confession by Plaintiffs of Lack of Jurisdiction over Individual Deft.s, filed. v double entry.</del>	
4-12-72	Pltfs' Reply to Amended Ans and Ans to Amended Counter-Claim, filed.	
5-12-72	Notice to take deposition, filed. hm	
5-15-72	PRE-TRIAL ORDER, filed. (FD-J)r (copies mailed to all attys)	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
5-19-72	Settlement Stipulation, filed. r	
5-22-72	Order of Dismissal with Prejudice of Complaint filed by Pltfs and the Amend. Answer and Counter-Claim, Filed and Entered. (FD-J)r (Copies mailed)	